



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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October 2, 2008

Ref: 8EPR-N

Selma Sierra, Utah State Director
Utah State Office
Bureau of Land Management
P.O. Box 45155
Salt Lake City, Utah 84145-0155

RE: Final Resource Management Plan and
Environmental Impact Statement for the Price Field
Office Planning Area, CEQ# 20080328

Dear Ms. Sierra

Consistent with our responsibilities and authorities under the National Environmental Policy Act and Section 309 of the Clean Air Act (CAA), the Region 8 Office of the U.S. Environmental Protection Agency (EPA) has reviewed the Final Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for the Bureau of Land Management's (BLM) Price Field Office Planning Area. The BLM manages approximately 2.5 million acres of public lands located in Carbon and Emery Counties in central Utah. This RMP will revise and replace the current RMPs for this area, known as the Price River Management Framework Plan and the San Rafael RMP. The Proposed RMP/Final EIS does not carry forward Alternative D, the Preferred Alternative from the Draft RMP/EIS. Rather, the Proposed RMP/Final EIS consists of a combination of all the proposed alternatives, including Alternative D. BLM modified the Preferred Alternative in response to public comment as well as information from the Areas of Critical Environmental Concern (ACEC) supplement and the non-WSA lands with wilderness characteristics supplement. BLM intends that the Proposed RMP will accommodate a wide variety of values and uses of these public lands.

EPA is concerned that the Proposed RMP/Final EIS has dropped the Range Creek and Sids Mountain ACECs and substantially reduced the size of other ACECs resulting in the reduction from 461,000 acres of proposed ACEC management presented in the Draft EIS to 208,000 acres of ACEC management in the Proposed RMP. The proposed RMP also results in significant reductions in the potential wild river suitability designations for all of the following free flowing streams: Range Creek, Rock Creek, Price River, San Rafael River, Cottonwood Wash, Muddy Creek, Keg Spring Canyon, and Barrier Canyon.

We commend the Price Field Office for limiting motorized off-highway vehicles (OHV) to designated trails without allowing recreational OHV traffic to traverse away from the center-line of these designated trails. Restricting OHV travel to designated trails is an environmentally preferred approach to resource protection because this better protects riparian areas, reduces the risks to cultural resources, and reduces the spread of invasive plants. EPA supports the Proposed RMP's plan that includes the closure and rehabilitation of existing excess and redundant routes, as well as those that are detrimental to the environment.

Our concerns about the Final RMP/EIS focus on four issues: (1) the lack of information regarding air quality impacts from oil and gas development, (2) our recommendations for additional areas to be managed as Areas of Critical Environmental Concern and wild and scenic river management, (3) our analysis of the effects of oil and gas development in the planning area on climate change, and (4) our analysis of BLM's ability to adapt to the impacts caused by climate change.

1. Lack of information on air quality impacts from oil and gas development.

Our concerns with the air quality analysis are four fold. First, despite EPA's request in our comments on the draft EIS, the Final EIS did not include quantitative air quality analysis. As a result, BLM has not demonstrated its conclusion that National Ambient Air Quality Standards (NAAQS) will be protected. Second, this lack of adequate modeling is a pressing concern because ambient ozone from nitrogen oxides (NO_x) and volatile organic compounds (VOC) emissions could result in ozone concentrations near or potentially above the ozone NAAQS. Third, the proposed quantitative air quality modeling effort currently underway to address these concerns, the Uintah Basin Air Quality Study being prepared by the Independent Petroleum Association of the Mountain States in cooperation with BLM, is neither complete for use in this Final EIS nor will it comply with NEPA's obligations to assess future development as it is currently designed. And fourth, BLM does not define how it will assure mitigation that will maintain and assure that oil and gas emissions will result in ambient air quality below the NAAQS.

For the Price RMP Final EIS, BLM presented a qualitative estimate of total emissions and air impacts for selected pollutants. The primary future additions to air pollutant emissions is expected to originate from the reasonably foreseeable development of approximately 1900 natural gas, oil, and coal bed methane wells over the next 15 years on public and private lands with the Price Field Office planning area. The air impact analysis was conducted using a qualitative analysis that compared past and possible future emissions. The Revised Air Quality Baseline Report (AQBR) was prepared by Booz Allen Hamilton in 2008 and contained minor revisions from a similar report prepared in 2003. As a result of this qualitative analysis, BLM concludes: "... it is expected that the increase in emissions of CO, NO_x, SO₂, PM₁₀, and PM_{2.5} for the Proposed RMP planning area would not cause any State or federal ambient air quality standards to be exceeded." (See FEIS at page 4-8.) EPA requested in its comments on the Draft EIS in 2005 that additional quantitative air quality analysis would need to be done for project specific NEPA documents in the future. BLM's response was: "Since the BLM cannot determine with reasonable certainty a number of parameters, it is not appropriate to model. The

uncertainty of the modeling results from such an exercise would render the results useless." (See "Response to comments by commenter", page 61.) It is important that BLM commit to appropriate air quality modeling analysis for future project specific NEPA documents.

EPA recommendation: The Price RMP Record of Decision should contain a commitment similar to the following excerpt from the Rawlins, Wyoming Draft RMP/EIS, which also used a comparative, emissions-based approach: "*As project-specific developments are proposed, quantitative air quality analysis would be conducted for project-specific assessments performed pursuant to NEPA.*"

Specifically, EPA is concerned that the analysis in the Final EIS underestimates the potential for ozone concentrations to exceed the NAAQS. Ozone concentrations, which result from the photochemical reaction of VOC and NO_x, are of particular concern because ambient ozone concentrations are anticipated to increase due to oil and gas development. The monitored data from Canyonlands National Park has shown concentrations near EPA's new ozone NAAQS. The only other air quality monitoring station that could have provided more regionally-specific ambient air quality data was a monitoring station in Vernal, Utah. Unfortunately, this monitoring station was shut down by the Utah Division of Air Quality (UDAQ) in December 2007. As noted in letter to the BLM dated June 6, 2008, from UDAQ (attached as Appendix R to the FEIS), UDAQ is also concerned that the available monitoring demonstrates gradual upward trend in ozone levels. UDAQ advised BLM in this correspondence to include NO_x reduction mitigations as conditions of lease approval.

EPA is concerned that the air analysis intended to address the impacts of cumulative oil and gas development did not quantify emissions or predict air impacts from potential Reasonably Foreseeable Development (RFD) sources. Specifically, EPA is concerned that BLM did not consider proposed oil shale or tar sands projects as reasonably foreseeable activities and the potential that more gas wells will be located in the area at 40-acre spacing. BLM states that there is an air quality analysis being conducted which is known as the Uinta Basin Air Quality Study (UBAQS) performed pursuant to a cooperative agreement between BLM and the Independent Petroleum Association of the Mountain States. It is the intent that the UBAQS will model potential ozone impacts from oil and gas in the Uinta Basin; however this process does not include the impacts of potential RFD projects pursuant to BLM's NEPA obligations. It is of concern that the UBAQS omits analysis of impacts from RFD projects, as significant development of oil shale and tar sands resources is reasonably foreseeable. As BLM noted in the Final EIS, oil and gas development is projected to occur at a relatively fast pace with a potential for up to 1900 additional oil, gas, and coal bed natural gas wells identified as the RFD scenario during the next 15 years. A number of comments from the industry representatives indicate this RFD projection provided in the Draft EIS may be an underestimate.¹ BLM's analysis of RFD

¹ For example, comments provided by Bill Barrett Corporation (BBC) in 2004 state that the Reasonable Foreseeable Development Scenario (RFD) understates the level of development in the West Tavaputs area because of higher commodity prices, improvements in technology that allows extraction of natural gas which were previously uneconomic, and improvement in the access to markets from expansion of interstate natural gas pipelines. BBC said then it would propose 40-acre well density, down spacing from the currently 80-acre spacing, in their Stone Cabin Field in the near future.

potential for this area relies upon data completed in 2005, and thus does not account for changes in commodity price, recovery technology, or recent new pipelines that have altered the potential for additional natural gas development. BLM notes that if the number of wells or level of disturbance exceeds the RFD, BLM would be required to do further analysis.

EPA recognizes that the oil and gas development occurring in the Price planning area may be approved by BLM via categorical exclusions without the full analysis of potential air quality impacts and consideration of appropriate mitigation measures. Section 390 of the Energy Policy Act of 2005 established five categorical exclusions under NEPA including an exclusion for “Drilling an oil and gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed drilling as reasonably foreseeable activity, so long as such plan or document was approved within five years prior to the date of spudding the well.” EPA is concerned that the air quality qualitative emissions comparison conducted in the Price RMP Final EIS may be insufficient to provide BLM with the information necessary to issue categorical exclusions while still being protective of air quality in central Utah. Given the potential for categorical exclusions, EPA urges BLM to complete air quality modeling for future projects and to implement mitigation measures to be incorporated into the Price RMP Record of Decision.

Comments from several sources alleged that BLM does not have any direct authority over air quality or air emissions under the Clean Air Act. In the Final EIS, the response to these comments from BLM states that it does not have regulatory authority for air quality. BLM acknowledges it would not knowingly approve an activity on public lands that will violate any other Federal Law including the Clean Air Act. It is important to acknowledge that BLM does have the authority to obtain reduced air emissions from actions it approves for third parties operating on public lands as stated in the following provisions: (1) the National Environmental Policy Act and CEQ regulations, (2) the Energy Policy Act of 2005, (3) the Onshore Oil and Gas Order Number 1, and (4) the Federal Land Policy and Management Act of 1976 in its implementing regulations. The BLM’s role in fulfilling these obligations is especially critical given that BLM, through its land management decisions, is one of the main agencies affecting air quality and visibility in the intermountain west.

EPA recommendation: Because of EPA’s remaining and unresolved concerns about the lack of an adequate air quality analysis and the increasing concentrations of ozone in the planning area, it is difficult to determine potential air quality impacts from future development or whether the ozone NAAQS will be protected. Therefore, EPA recommends that the Record of Decision contain specific commitments similar to the Pinedale Anticline Record of Decision regarding assurance of attainment of NAAQS while oil and gas development proceeds. These measures may need to include drill rigs using natural gas or electric power, gas or electric turbines for compressors, reduction of the number of storage tanks containing VOCs, Tier 2 or better emission drilling rigs,

centralized gathering facilities, or reduction of the pace of development.² We look forward to working with the Price Field Office in NEPA compliance for future oil and gas developments within this planning area in order to reduce and minimize both regulated criteria pollutants and other harmful air emissions.

2. Lands to be managed as Areas of Critical Environmental Concern and wild and scenic river management.

We reiterate our suggestions that specific critical areas be further protected by designation as ACECs as noted in our Draft RMP/EIS comments and as included in the Preferred Alternative D in the Draft EIS. These areas include all of the potential ACECs that have been substantially reduced in size. Further neither Range Creek nor Sids Mountain were advanced as ACEC in the final EIS/Proposed RMP although they had been part of the preferred alternative presented in the Draft EIS

EPA recommendation: BLM should reconsider these ACEC decisions to assure that management prescriptions are protective of these resources. In order to resolve the concern that ACEC designation would reduce the area of public lands available for oil and gas development, BLM should consider leasing using No Surface Occupancy (NSO) stipulations³ since NSO stipulations could be later removed if oil and gas recovery is not technically feasible. ACEC designations are especially vital for the portions of the above areas with free flowing streams with important fishery resources which are rare and unique in the planning area. Some of the rejected ACEC lands abut portions of streams that had been determined to be ineligible for wild and scenic river protection. Lands that are especially vital to be reconsidered for both ACEC management and wild and scenic river protections include: (1) Sids Mountain ACEC and the lower portion of the San Rafael Canyon ACEC adjacent to the San Rafael River, (2) Range Creek ACEC on either side of Range Creek, and (3) the Beekwith Plateau ACEC adjacent to the Price River.

3. Analysis of the effects of oil and gas development in the planning area on climate change.

Comments received on the Draft EIS suggested that emissions of greenhouse gases (carbon dioxide and methane) from oil and gas development be addressed in the Final EIS. While BLM acknowledged the basic body of scientific evidence about the increase in these gases in the atmosphere and their adverse potential effects, BLM responded it would not be able to

² Record of Decision, Final Supplemental EIS for the Pinedale Anticline Oil and Gas Exploration and Development Project, BLM, Pinedale Field Office, September 12, 2008, page 28.

³ EPA had recommended use of NSO lease stipulations identified in Alternative C since this would provide the conservation and protection of natural resources. We suggest BLM reconsider application of NSO lease stipulations in potential ACEC areas because if the industry is capable of development using horizontal drilling, BLM could attain recovery of these natural gas resources. However, if resource recovery using horizontal drilling techniques is not technically feasible, then BLM could remove the NSO stipulations at a later date following public review.

conduct this type of assessment until the EPA provided the regulatory protocol or emission standards regarding climate change. NEPA requires federal agencies to take a hard look at potential environmental impacts associated with their proposed actions. Lack of regulatory protocol or emission standards for greenhouse gases does not preclude BLM from fulfilling this responsibility. Analysis of greenhouse gas emissions will be needed for future NEPA compliance regarding the approval of oil and gas operations in the Price planning area. Although the Draft RMP/EIS mentions carbon dioxide (CO₂) as a greenhouse gas that would be emitted by wildfires in the planning area, the document does not address potential effects of the RMP on climate change in general. The Final RMP/EIS should have included information on these effects from fires as well as the effects from oil and gas development.

EPA recommendation: We restate our recommendation that the BLM encourage oil and gas lessees to participate in EPA's Natural Gas STAR program. Through this program (www.epa.gov/gasstar), EPA works with companies who produce natural gas to install cost-effective technologies and practices to reduce emissions of methane, a potent greenhouse gas. A number of these air emission controls that reduce methane, a significant greenhouse gas, will also increase the maximum economic recovery of federally-leased natural gas. Consequently, we recommend that BLM consider implementation of EPA's best management practices and other technologies and practices pursuant to our Natural Gas Star program as a component of the Record of Decision for the Price RMP.

4. Analysis of BLM's ability to adapt to the impacts caused by climate change.

Several comments received on the Draft EIS suggested that BLM assess how the BLM might adapt its land management plans to respond to the impacts of climate change. In the Final EIS, BLM acknowledges that the assessment of climate change is in its formative stage and thus it is not now possible for BLM to understand the impact on a regional or local scale, nor develop plans to adapt to a changing climate.

EPA recommendation: We recommend that BLM work with other agencies that have recently developed predictive analysis for areas within or near the Price planning area. In particular, we invite the BLM to consider ways to reduce dust that may impact early on-set of snow melt within the Colorado and Green River drainages, and to continue its on-going role in removing water-consuming invasive plants. See, for example, the analysis provided by the National Research Council regarding responses to the lower stream flow potential on the Colorado River.⁴

EPA recognizes the complexity and diversity of the proposed resource management actions and supports BLM's intention to move forward and to implement a new RMP plan based on emerging issues and changing circumstances. We expect that planning issues discussed in

⁴ Colorado River Basin Water Management: Evaluating and Adjusting to Hydroclimatic Variability, Committee on the Scientific Bases of Colorado River Basin Water Management, National Research Council, 2007, <http://www.onthecolorado.com/Resources/ClimateDocs/NAS2007.pdf>

our comments will continue to be among those monitored as the plan is implemented. If you would like to discuss these comments, or any other issues related to our review of the Final RMP/EIS, please contact Weston Wilson at 303-312-6562. Please see the attached detailed comments for additional information. Thank you for the opportunity to comment.

Sincerely,

original signed by: James Hanley, for

/s/ Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

cc: Cheyl Heying, Utah DEQ, Salt Lake City
Delynn Fielding, Carbon County, Price
Mike McCandless, Emery County, Castle Dale
Michael Hyde, Duchesne County, Duchesne
Kathleen Sgamma, IPAMS, Denver
Bill Stringer, BLM, Vernal
Mike Stiewig, BLM, Price

**Detailed Comments by the Environmental Protection Agency
Final Resource Management Plan and Environmental Impact Statement
for the Price Field Office Planning Area**

Additional air quality concerns:

1. BLM indicates that the AQBR analysis process based air pollutant emission estimates on electrification of oil and gas fields. Apparently this was an expected method to obtain gas compression in coal bed natural gas fields, but not the development of conventional natural gas in the northeast portion of the planning area including the West Tavaputs Plateau. Given the lack of modeling analysis to assure compliance with NAAQS and that an underlying assumption in this analysis was incorrect, electrification or natural gas fired compressor equipment at these conventional natural gas fields should be further evaluated.

2. We note that BLM does not plan to conduct any air monitoring, or install any monitoring stations within the planning area. Currently EPA is negotiating the placement of additional air monitoring stations in the Uinta Basin, near but not within this planning area. Collaborative work with the Utah Division of Air Quality will be needed to discuss whether these two new air monitoring stations in the Uinta Basin will be appropriate for analysis of air quality in the Price planning area or should additional monitoring be considered.

3. Fugitive dust management on unimproved roads in the Price planning area appears to lack attention by the BLM, especially for roads maintained by the counties. Fugitive dust conditions on these county roads may approach the NAAQS for particulate matter, and also present traffic safety and cultural resource damage concerns. Additional information on fugitive dust management for county roads should have been provided in the Final EIS. Duchesne and Carbon Counties are aware of the increasing travel, for example in Nine Mile Canyon. This additional industry traffic is primarily the result of natural gas production approved by the BLM. Both counties recognize a need to upgrade existing roads to improve the well being of the land and their citizens. While the counties seek financial resources to assist them for this purpose, they also specifically proposed that they be allowed to access natural asphalt reserves on BLM public lands without cost. BLM responds that while it can transfer certain resources, such as gravel, free to government entities for public projects, natural asphalt resources are subject to hydrocarbon leasing regulations and thus cannot be disposed without competitive bidding. While EPA takes no position in this matter, given the difficulties the counties have in assuring better road maintenance, we suggest the concept of allowing these Counties access to natural asphalt without cost deserves further review, as it may be environmentally beneficial.

Cultural Resource Concerns:

As noted in Appendix E of the Final EIS, the required consultations for Section 106 of the National Historic Preservation Act are in progress and will be completed prior to signature of the Record of Decision. As this process proceeds, we recommend consideration of a specific mitigation measure currently being practiced by the Northern Ute Tribe to help protect cultural

resources on their lands. The Northern Ute Tribe requires oil and gas leasees on their lands to avoid disturbance of cultural resources by restricting their employees to vehicle access only to improved rights of way. BLM could consider this mitigation measure and other potential mitigation methods to protect the unique cultural resources in the planning area and implement such measures in the ROD.

Conflicts between coal and coal bed natural gas resources:

Comments provided by the Independent Petroleum Association of the Mountain States (IPAMS) and others note the potential for future conflicts between underground coal mining, and coal bed natural gas (CBNG) resource development. Development of underground coal reserves and CBNG resources on the same land is proposed for portions of the Price planning area. It would be to the benefit of the environment if a policy could be reached resolving the conflict between coal and CBNG, as venting CBNG releases may result in significant greenhouse gases emissions in the form of methane. As experience at the Aberdeen Mine⁵ has shown, it is not clear whether BLM has the ability to simultaneously allow for the development of coal and economic recovery of CBNG. In the case where a coal leasee must use vertical methane vent wells solely for the purpose of mine safety in order to comply with Mine Safety and Health Administration (MSHA) requirements, we suggest that BLM explore its ability to allow that coal leasee to collect and utilize that methane resource.

⁵ Interior Board of Land Appeal, Vessels Coal Gas, Inc., IBLA 2007-213, decided June 26, 2008, <http://www.ibldecisions.com/Ibla/Ibladecisions/175IBLA/175IBLA008.pdf>